

Order

Michigan Supreme Court
Lansing, Michigan

April 25, 2019

Bridget M. McCormack,
Chief Justice

156463

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 156463
COA: 338921
Wayne CC: 15-003518-FC

JOSHUA MAURICE ROBINSON,
Defendant-Appellant.

By order of December 14, 2018, the defendant's appellate counsel was directed to file a supplemental brief. On order of the Court, the brief having been received, the application for leave to appeal the July 28, 2017 order of the Court of Appeals is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for reconsideration of the defendant's June 22, 2017 application for leave to appeal under the standard applicable to direct appeals. Appellate counsel admits that she missed the deadline for filing a direct appeal. Accordingly, the defendant was deprived of his direct appeal as a result of constitutionally ineffective assistance of counsel. See *Roe v Flores-Ortega*, 528 US 470, 477 (2000); *Peguero v United States*, 526 US 23, 28 (1999).

We do not retain jurisdiction.



a0418

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 25, 2019

Clerk